

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ANTHONY KEVIN FIELDS,

Petitioner,

v.

CIVIL ACTION NO. 5:15-cv-09187

JOSEPH COAKLEY and
CHARLES E. SAMUELS, JR.,

Respondents.

MEMORANDUM OPINION AND ORDER

On July 2, 2015, the Petitioner, acting *pro se*, filed his *Complaint* (Document 1) in this matter. By *Standing Order* (Document 2) entered that same date, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

By *Order* (Document 3) entered on July 7, 2015, Magistrate Judge VanDervort ordered that the Petitioner's *Complaint* be construed as a Petition filed pursuant to 28 U.S.C. § 2241. Said *Order* further directed the Petitioner to amend his Petition and to either pay a \$5.00 filing fee or submit the appropriate Application to Proceed in *Forma Pauperis*. Therein, the Petitioner was advised that his failure to comply with the *Order* would result in a recommendation of dismissal of his action.

Subsequently, by *Order* (Document 6) entered on January 6, 2016, the case was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On


August 16, 2016, Magistrate Judge Aboulhosn submitted a *Proposed Findings and Recommendation* (Document 7). Therein, the Magistrate Judge noted the Petitioner's failure to comply with the Court's July 7, 2015 *Order* (Document 3) and recommended that this Court dismiss the Petitioner's § 2241 Petition and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by September 2, 2016.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's § 2241 Petition be **DISMISSED** and that this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: September 12, 2016


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA